

G. R. S. IX-5]

Previous references.

Cb 225-17 (1604)

1918

103-16 (1674)

(Cb)

Later references.

File No. 122-18

Serial Nos. 1-2

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-2

Part B for January 19.

SUBJECT.

Execution of Warrants of arrest under
~~the~~ the Workmen Breach of contract Act
& planters Labour Act.

Sl 1) The J. A. Recipient
No 7803 d/ 14-11-18

- I do copy of the proceedings of the Madras
Govt No 705 Home (mis) d/ 15-10-18 on the above

Sl 2) To, The J. G. of police
No G 15842 d/ 29-1-19

- I do the above.

Deputy

GENERAL AND REVENUE SECRETARIAT.

6441

(Courts)

NOTES.

File No 122-18

. FILE HEADING.

Execution of warrants of arrest under
the workman's Breach of Contract Act and
Planters Labour Act

From

The F. A. Resident in Mysore

No. 7803

Dated 14-11-1918 Received 15-11-1918

Diary No. 9. 6441

Enclos. 1

Spare Copies.

Serial No. 1

BRIEF ABSTRACT OF LETTER.

Forwards copy of the Proceedings
of the Madras Govt No. 705 Home (mis) of
15-10-1918. on the subject.

NOTES AND ORDERS.

Encl. with a draft communicating
the G.O. to the Dist. Magistrate
at the J. S. of Police.

86
28/11.

Munis and his file on the subject

12th J.

Please put up.
Encl. with G.O. file 103-16

83
27/11

NOTES—First Sheet. 28/4

65 File No. 122 of 1918.

Serial
No.

Submitted for perusal: It does not
appear necessary to forward copy to the
Majesties.

First Monday

I think so too.

Recd
15-12-18

17/12

Incl. with a draft modified
in accordance with the above
orders.

Issue

16/12/18

867
18/12

23/12/18

2.

To the J. & of Police

No G. 15842

of 28-1-18

Forward copy of Madras

Govt. Proceedings No. 705 of 15-10-18

No. 7803

DIARY No. 1

19	19
Court	
FILED	225-17/122-18
CIF	5

FROM

MAJOR E. H. S. JAMES,

FIRST ASSISTANT TO THE RESIDENT IN MYSORE.

To

The Chief Secretary to the Government of

His Highness the Maharaja of Mysore.

Dated Bangalore, 14th November 1918.

SIR,

In continuation of my letter No. 5305, dated the 1st August 1918, regarding the transmission of warrants of arrest under the Workmans Breach of Contract Act and the Planters Labour Act, I am directed to forward a copy of the Proceedings of the Madras Government, No. 705, Home (Mis), dated the 15th October 1918.

I have the honour to be,

Sir,

Your most obedient servant,



for First Assistant Resident.

(4)

Government of Madras

HOME DEPARTMENT (MISCELLANEOUS)

G.O. No. 705, 15th October 1918

Planters Labour Act, 1903

Directing that the system now in force in regard to the execution of warrants of arrest under the Workmans Breach of Contract Act, 1859, and the — should continue as a permanent measure and requesting the Inspector-General of Police and the District Magistrates concerned to submit in July of each year a report on the working of the system during the previous twelve months.

READ—the following papers :—

I

G.O. No. 101, Judicial, dated 12th January 1916.

ABSTRACT.—Issuing instructions to remedy the difficulties experienced in connexion with the execution of warrants against absconding maistris and coolies under the Workmans Breach of Contract Act and the Planters Labour Act.

G.O. No. 1074, Home (Miscellaneous), dated 21st September 1917.

ABSTRACT.—Issuing instructions in regard to the execution of warrants of arrest against absconding maistris and coolies under the Workmans Breach of Contract Act and the Planters Labour Act.

G.O. No. 426, Home (Miscellaneous), dated 8th May 1918.

ABSTRACT.—Recording letter from the Deputy Director of the Labour Department, United Planters' Association of Southern India, Coimbatore, that the procedure already sanctioned for the execution of warrants of arrest under the Workmans Breach of Contract Act and the Planters Labour Act calls for no amendment.

II

Letter—from J. F. HALL, Esq., I.C.S., Additional District Magistrate of Malabar.
To—the Secretary to Government, Home (Miscellaneous) Department.

Dated—Calicut, the 20th June 1918.

No.—D. Dis. 1259.

[G.O. No. 1074, Home (Miscellaneous), dated 21st September 1917.]

I have the honour to report that very few estates in Malabar subscribe to the Labour Agency of the United Planters' Association of Southern India. In some 180 cases only was its help sought in executing warrants. The results in these cases were satisfactory. Mr. Waddington, Deputy Director of the Labour Department, has written to me stating that he is very satisfied with the procedure laid down in G.O. No. 101/16 and G.O. No. 1074/17 which saves the Police considerable trouble and helps the Agency to get these labour disputes settled and compromised without actually bringing them into court.

III

Letter—from E. P. WALSH, Esq., I.C.S., Acting District Magistrate of Trichinopoly.

To—the Secretary to Government, Home (Miscellaneous) Department.

Dated—the 17th July 1918.

No.—D. Dis. 605 M.

Referring to paragraph 1 of G.O. No. 1074, Home (Miscellaneous), dated 21st September 1917, I have the honour to state that no warrants were issued by any of the Magistrates' courts in the district. I have therefore no remarks to offer on the system of issuing warrants mentioned therein.

V

Memorandum No. 1879-1, Home (Miscellaneous), dated 3rd August 1918.

The attention of the Inspector-General of Police
District Magistrate of The Nilgiris
District Magistrate of Coimbatore is invited to paragraph 1 of G.O.

District Magistrate of Madura
District Magistrate of Salem
No. 1074, Home (Miscellaneous), dated the 21st September 1917, and he is requested to expedite the submission of the report called for therein on the working of the revised system of executing warrants of arrest under the Workmans Breach of Contract Act and the Planters Labour Act.

(By order)

C. H. BROWN,
Under Secretary to Government.

To the Inspector-General of Police.
„ District Magistrates of Coimbatore, Madura, The Nilgiris and Salem.

V

Letter—from N. E. MARJORIBANKS, Esq., I.C.S., District Magistrate of Coimbatore.

To—the Secretary to Government, Home (Miscellaneous) Department.

Dated—the 8th August 1918.

No.—D. Dis. 886 M.

With reference to paragraph 1 of G.O. No. 1074, Home (Miscellaneous), dated 21st September 1917, I have the honour to report that Pollachi is the only taluk in the district where cases have occurred. During the last year 870 warrants were issued by the Stationary Sub-Magistrate under the Workmans Breach of Contract Act XIII of 1859 through the Deputy Director of the Labour Department of the United Planters' Association of Southern India. Out of these, 357 were actually executed, 272 were pending execution at the close of the year and 241 warrants were returned to the Sub-Magistrate as the cases were withdrawn by the complainants either because the accused repaid the advances or returned to work. Both the Stationary Sub-Magistrate and the Subdivisional Magistrate of Pollachi report that the new system has worked well. No complaints have been received regarding it.

2. No cases under the Madras Planters Act I of 1903 were tried anywhere in the district during last year.

VI

Letter—from P. L. MOORE, Esq., C.I.E., I.C.S., Inspector-General of Police.

To—the Secretary to Government, Home (Miscellaneous) Department.

Dated—Madras, the 10th August 1918.

No.—R.C. 960-Statl.

With reference to paragraph 1 of G.O. No. 1074, Home (Miscellaneous), dated the 21st September 1917, I have the honour to submit the following report on the working of the procedure sanctioned in G.O. No. 101, Judicial, dated the 12th January 1916, regarding the execution of warrants under the Workmans Breach of Contract Act and the Planters Labour Act.

2. The District Superintendents of Police of Salem, The Nilgiris, Coimbatore, Trichinopoly, Madura and South Malabar report that the working of the system has been satisfactory and that no difficulty has arisen nor has any complaint been received regarding the execution of warrants.

3. In the South Malabar district 214 warrants received from the Deputy Director, Labour Department, United Planters' Association of Southern India, Coimbatore, were returned to him duly endorsed. Of these 114 were forwarded to the Police who executed 72. The Superintendent reports that the district is comparatively little affected by the working of the Planters Labour Act through the Labour Department and that there is no objection to the continuance of the present system, if the Labour Department finds it satisfactory.

4. A statement showing the number of warrants received and their disposal in the districts of Coimbatore and Madura is enclosed. One thousand six hundred and ninety-one warrants were received in the Coimbatore district. Deducting those which were unexecutable, there remained 734 warrants for execution, of which 611 or 83.2 per cent were executed. The proportion of warrants executed by the Labour Department was 76.8 per cent while of the number of executable warrants sent to the Police (1) through the Labour Department and (2) direct the proportion executed was 96 per cent and 90.9 per cent respectively. The Labour Department however considers that the number of warrants appearing under columns (3), (4), (5), (7), (8) and (12) should be treated as satisfactorily disposed of. The results according to this method are as shown below :—

District.		Number of warrants received less number pending.	Number satisfactorily disposed of.	Percentage.
Coimbatore.	Labour Department ...	675	566	83.8
	Through Labour Department to Police.	178	78	43.9
	Direct to Police ...	735	365	49.7
	Total ...	1,588	1,009	63.5
Madura	...	78	60	77

The reason why the Labour Department shows a much smaller proportion of warrants under the heads 'Outside jurisdiction' and 'False names and addresses' than the Police is because that department has the advantage of referring back warrants to complainants for correct information and of being able to follow warrants into other districts while the Police must return the warrants in both cases.

5. The number of warrants received in the North Malabar district through the Labour Department between 1st October 1917 and 30th June 1918 was 47, of which 6 were executed and 31 returned unexecuted. Deducting pending warrants, a little over 16 per cent were executed. In March last the Deputy Director informed the Superintendent of Police that his agents had succeeded in executing five of the warrants returned unexecuted by the Police. The Superintendent instituted an inquiry with the following result. In one case the Estate Field Conductor endorsed on the warrant taken by the Police that the warrantee was not on the estate. In the second the Estate Superintendent refused to make any endorsement as to the presence or absence of the warrantee and on search being made by the constable the warrantee could not be traced. In another case the Estate Superintendent merely permitted the constable to search for the warrantee but rendered no assistance to enable him to identify the warrantee and the search proved fruitless. In two cases the Estate Superintendent himself endorsed on the warrant that the warrantees were not in the estate. The Superintendent of Police reports that the Police generally experience great difficulty in executing Breach of Contract warrants received through the Labour Department in the Wynad. On the other hand the Police have been more successful in regard to warrants received from Coorg and Gudalur, the percentage of warrants executed being 26. In these cases the Magistrates send the warrants either direct to the District Superintendent of Police by post or through an agent of the complainant at whose instance they were issued, who after obtaining the endorsement of the District Superintendent of Police takes them to the Station-house officer concerned. It has already been mentioned in my report of last year that there are no agents of the Labour Department in the North Malabar district and that warrantees working on estates in the Wynad go there under false names and are generally unknown to the Police there. This being so the Police cannot show better results unless the planters co-operate and send an agent to identify the warrantee. Under existing conditions the Superintendent of Police does not consider that the present system has any advantages. He suggests that, if the warrants are sent direct to the Station-house officer concerned, with all available particulars regarding the description, name, etc., of the warrantee, and the estate or estates to which he is believed to have gone and the District Superintendent of Police is informed at the same time of the despatch of the warrant, better results might be obtained. The Superintendent of Police can then keep a watch on the disposal of the warrants. The results can be further improved if an agent is sent to the Station-house officer for identifying the warrantee.

6. On the whole I consider that the present system has worked satisfactorily and that it might be continued. The attention of the Labour Department might again be drawn to the conditions in the North Malabar district and to the importance of sending agents to help the Police in identifying warrantees.

ENCLOSURE

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)
	Total.	Cases withdrawn.	Warrantees returned to estates.	Warrantees paid dues.	Balance.	Warrantees died.	Warrantees in jail.	Outside jurisdiction.	False names and addresses.	Balance.	Executed.	Percentage.	Balance of warrants unexecuted.	Time-barred.	Pending.
Coimbatore District.															
Warrants sent to Labour Department.	754	75	90	54	635	11	7	154	35	428	329	76.8	99	20	79
Warrants sent to Police through Labour Department.	181	..	5	..	176	..	1	3	97	75	72	96	3	..	3
Warrants sent direct to Police ..	756	3	129	10	614	11	2	101	269	231	210	90.9	21	..	21
— Total ..	1,691	78	224	64	1,325	22	10	158	401	734	611	83.2	123	20	103
Madura District *	91	5	7	9	70	1	..	..	..	69	38	55	† 16	2	13

* From 1st April 1917 to 31st March 1918.

† Labour Department shows as emigrated.

‡ Shown by Superintendent of Police under 'Not found.'

VII

Letter—from A. R. CUMMING, Esq., I.C.S., District Magistrate of The Nilgiris.

To—the Secretary to Government, Home (Miscellaneous) Department.

Dated—Ootacamund, the 9th August 1918.

No.—D. Dis. 231 M.

With reference to paragraph 1 of G.O. No. 1074, Home (Miscellaneous), dated the 21st September 1917, I have the honour to report that the system of issuing warrants against absconding maistris and coolies under the Workmans Breach of Contract Act, 1859, and the Madras Planters Labour Act, 1903, sanctioned in G.O. No. 101, Judicial, dated the 12th January 1916, has worked well during the period and may be continued.

2. There were altogether 1,216 warrants issued during the year ending 31st July 1918 through the labour agency; of these 304 (i.e., 25 per cent) were actually executed and 495 (i.e., 40.6 per cent) finally disposed of.

3. The planters concerned are of opinion that the system has worked well and the Deputy Director, Labour Department, Coimbatore, has nothing to suggest in the way of additions or amendments to it.

4. The Stationary Sub-Magistrate, Coonoor, however, brings to my notice that in certain cases warrants were not returned to him after three months, as required by paragraph 7 of G.O. No. 101, Judicial, dated 12th January 1916, and that reminders sent to the Labour Department had no effect. It will, I feel sure, suffice if the attention of the Deputy Director is called to the matter.

VIII

Letter—from G. F. PADDISON, Esq., M.A., I.C.S., District Magistrate of Madura.

To—the Secretary to Government, Home (Miscellaneous) Department.

Dated—the 25th August 1918.

No.—D. Dis. 1013-Mgl.

With reference to G.O. No. 1074, dated the 21st September 1917, calling for a report on the working of the system of issue of warrants under the Workman's Breach of Contract Act, 1859, and the Madras Planters Labour Act, 1903, for the arrest of maistris and coolies during 1917, I have the honour to state that cases under the Workmans Breach of Contract Act were dealt with only in the Sub-Magistrate's Court, Dindigul, and that it is reported that the presence of the accused was secured easily with the aid of the local police at the request of the complainants. It is also reported that no applications were received for the execution of warrants through the Labour Department. I have no special remarks to offer.

IX

Letter—from E. W. LEGH, Esq., I.C.S., District Magistrate of Salem.
To—the Secretary to Government, Home (Miscellaneous) Department.
Dated—the 5th September 1918.
No.—828 D.M.D.

Adverting to Government Memorandum No. 1879-1, dated 3rd August 1918, I have the honour to report that I have so far received no complaints against the revised system of executing warrants of arrests introduced in G.O. No. 1074, Home (Miscellaneous), dated 21st September 1917.

2. The court (viz., that of the Sub-Magistrate of Yercaud) chiefly concerned in the execution of the warrants of the kind reports that the system has on the whole worked satisfactorily.

3. The Secretary of the Shevaroy Planters' Association reports that the scheme is quite satisfactory.

Order—No. 705, Home (Miscellaneous), dated 15th October 1918.

The reports received from the Inspector-General of Police and the District Magistrates concerned on the working of the system sanctioned in the first two of the Government Orders read above in regard to the issue of warrants under the Workmen Breach of Contract Act, 1859, and the Madras Planters Labour Act, 1903, for the arrest of maistris and labourers show satisfactory results; and the Government direct that the system should be adopted as a permanent measure. The District Magistrates of Malabar, The Nilgiris, Coimbatore, Trichinopoly, Madura and Salem and the Inspector-General of Police are requested to submit in July of each year a report on the working of the system during the previous twelve months.

2. The attention of the Labour Department, United Planters' Association of Southern India, Coimbatore, is invited to the remarks of the Inspector-General of Police in paragraphs 5 and 6 of his report. The harmonious co-operation of the Labour Department with the magistracy and the police being an essential requisite for the success of the working of the system, the Government would be glad if the Labour Department would arrange to send agents to help the police in identifying warrantees wherever necessary. That department is also requested to see that warrants which have been unexecuted three months are punctually returned to the courts concerned.

(True extract)

R. RAMACHANDRA RAO,
Secretary to Government.

To the Inspector-General of Police.

„ District Magistrates of Malabar, The Nilgiris, Coimbatore, Trichinopoly, Madura and Salem.
 „ Deputy Director of United Planters' Association of Southern India, Coimbatore.

Copy to the Director of the Labour Department, United Planters' Association of Southern India, Bangalore.
 „ the Hon'ble Sir Fairless Barber.
 „ the Home (Judicial) Department.
 „ the Hon'ble the Resident in Mysore (with C.L.).
 „ the other District Magistrates.

G. R. S. VI—G/32]

SUBJECT.....
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Diary No. of letter replied to

Section C 15
File No. 122-18
Serial No. 2

GENERAL AND REVENUE SECRETARIAT
()
, the 191 .

No.

Date of issue.....

To

Signed by.....

[Here print Proceedings
of Govt. of Madras No.
705 of 15-10-1918 (In extension)
Memo No.]

Copy of the above is
forwarded with compli-
ments to ~~all the District Magis-~~
~~trates of DS~~ and The D. S. of
Police, for information in
continuation of this office
Memo No. 3223-31-C522517
-4 of 19-8-18.

[Handwritten signature]
86
20/11

over-
B. O

C/M
For Chief Secy.